

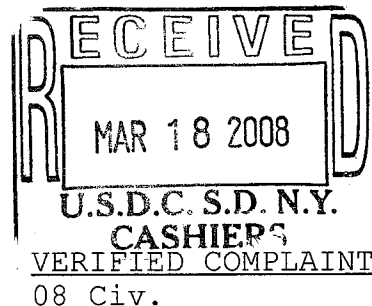
**JUDGE DUCHWALD**

MICHAEL J. GARCIA  
 United States Attorney for the  
 Southern District of New York  
 By: SHARON E. FRASE (SF-4906)  
 Assistant United States Attorney  
 One St. Andrew's Plaza  
 New York, New York 10007  
 Tel. (212) 637-2329

**08 CV 02834**

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 :  
 UNITED STATES OF AMERICA, :  
 :  
 - v - :  
 :  
 \$26,081 in UNITED STATES CURRENCY, :  
 :  
 Defendant-in-rem. :  
 -----X



Plaintiff United States of America, by its attorney,  
 Michael J. Garcia, United States Attorney for the Southern  
 District of New York, for its complaint alleges as follows:

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 21 U.S.C. § 881 by the United States of America seeking the forfeiture of \$26,081 in United States currency (the "defendant-in-rem currency");

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355. Venue is proper under 28 U.S.C. § 1355(a) because the actions giving rise to forfeiture took place in the Southern District of New York and the defendant-in-rem currency was found and seized in the Southern District of New York.

3. The defendant-in-rem currency is presently in the custody of the United States Marshals Service ("USMS") Seized Asset

Deposit Fund Account held at the Federal Reserve Bank.

II. PROBABLE CAUSE FOR FORFEITURE

4. On or about August 15, 2007, New York City Police Department ("NYPD") officers conducted a vehicle stop of a 2001 Acura MDX on East 180<sup>th</sup> Street and Boston Road in Bronx, New York. The driver of the vehicle was identified as Juan Dilone ("Dilone").

5. Upon approaching the vehicle, the officers noticed that the vehicle had a forged temporary Pennsylvania license plate. Dilone was arrested and charged with Possession of a Forged Instrument.

6. Upon arresting Dilone, the officers observed a white plastic bag in the vehicle. The bag contained \$26,081 in United States currency in the following denominations: (a) 69 \$100 bills; (b) 48 \$50 bills; (c) 768 \$20 bills; (d) 107 \$10 bills; (e) 58 \$5 bills; and (f) 61 \$1 bills.

7. Dilone made verbal statements to the officers, during which he stated in substance that the money was to purchase an automobile.

8. An ion-scan was conducted on the currency which registered high traces of cocaine.

9. Dilone is currently unemployed and has a prior narcotic criminal history.

10. On or about December 14, 2007, the Drug Enforcement Administration received a Seized Asset Claim form from Juan Dilone,

claiming that he is the owner of the defendant-in-rem currency.

### III. CLAIM FOR FORFEITURE

11. Incorporated herein are the allegations contained in paragraphs one through ten of the Verified Complaint.

12. Pursuant to 21 U.S.C. § 881(a)(6), all moneys furnished or intended to be furnished in exchange for a controlled substance, all proceeds traceable to such exchanges, and all moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code, are subject to seizure and forfeiture to the United States, and no property right exists in such proceeds.

13. The defendant-in-rem currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because there is probable cause to believe that it constitutes moneys intended to be furnished in exchange for a controlled substance, and/or proceeds traceable to such exchanges, and/or moneys used or intended to be used to facilitate such exchanges, in violation of Title 21 of the United States Code.

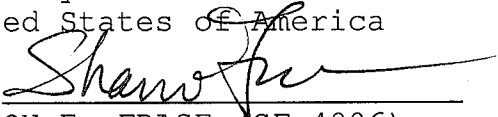
14. By reason of the above, the defendant-in-rem currency became, and is, subject to forfeiture to the United States of America, pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, plaintiff United States of America prays that process issue to enforce the forfeiture of the defendant-in-rem currency and that all persons having an interest in the defendant-

in-rem currency be cited to appear and show cause why the forfeiture should not be decreed, and that this Court decree forfeiture of the defendant-in-rem currency to the United States of America for disposition according to law, and that this Court grant plaintiff such further relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
March 17, 2008

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the Plaintiff  
United States of America

By:   
SHARON E. FRASE (SF-4906)  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
Telephone: (212) 637-2329

